

Report Date: June 3, 2013

United States District Court

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JUN 04 2013

SEAN F. McAVOY, CLERK
DEPUTY
SPOKANE, WASHINGTON

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Richard Lynn Swihart

Case Number: 2:04CR02159-001-WFN

Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, Sr. U.S. District Judge

Date of Original Sentence: 9/6/2005

Type of Supervision: Supervised Release

Original Offense: Possession of a Firearm by
Prohibited Person, 18 U.S.C. § 922(g)(1)

Date Supervision Commenced: 12/14/2011

Original Sentence: Prison - 99 Months;
TSR - 36 Months

Date Supervision Expires: 12/13/2014

PETITIONING THE COURT

To modify the conditions of supervision as follows:

The offender shall participate for a period not to exceed 9 months in a home detention program which may include electronic monitoring, GPS, Alcohol Monitoring Unit or automated identification systems and shall observe all rules of such program, as directed by the Probation Officer. The offender shall maintain a residential telephone line without devices and/or services that may interrupt operation of the monitoring equipment. The offender shall pay the costs of Location Monitoring to the contract vendor, not to exceed the sum of \$12 for each day of participation. The offender shall provide payment and proof of payment as directed by the Probation Officer.

CAUSE

Mr. Swihart has been on supervision since December 2011 and has not incurred any arrests or convictions during that time. However, he does have previous arrests for violation of harassment and protection orders. Given that Mr. Swihart initially lied to the probation officer as it related to his whereabouts on the date of the alleged sexual assault, there is obvious concerns. He only acknowledged lying after confrontation by the

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probation officer. He was also in violation of the restraining order and the Court's order to abstain from alcohol consumption. Although charges will not be filed against him for spousal rape, it is evident he is in need of closer monitoring in the community.

I declare under penalty of perjury that the foregoing is true and correct.


Executed on: June 3, 2013

s/Rebecca M. Nichols

Rebecca M. Nichols
Supervising U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other


Signature of Judicial Officer

June 4 2013
Date